BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:

PETITION FOR RULEMAKING FILED BY THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION REGARDING HEARING AID COMPATIBILITY VOLUME CONTROL REQUIREMENTS	))))))	CG Docket No. 13-46

COMMENTS OF

THE HEARING LOSS ASSOCIATION OF AMERICA (HLAA)
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING (TDI)
ASSOCIATION OF LATE DEAFENED ADULTS (ALDA)
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK (DHHCAN)
NATIONAL ASSOCIATION OF THE DEAF (NAD) and
RERC-TELECOMMUNICATIONS ACCESS

August 19, 2013

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I. Introduction

On behalf of the Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing (TDI), Association of Late Deafened Adults (ALDA), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), National Association of the Deaf (NAD), and the RERC-Telecommunications Access ("Joint Commenters" or "we"), submit these Comments.

II. Summary

Joint Commenters respectfully ask the Federal Communications Commission ("FCC" or "Commission") to grant TIA's request ("TIA Petition" or "Petition").

We believe the Petitioner's request for Rulemaking is a positive step forward, as we explain further, regarding accessibility of telephone and terminal equipment for persons with hearing loss.

III. TIA Petition

The Petitioner Telecommunications Industry Association ("TIA") raises at least two factors as relevant in the need for a change in the standards. First, measuring voice transmission

performance and (specifically volume control) has shifted from using the IEC-318 coupler/artificial ear, to the use of a Head and Torso Stimulator ("HATS"), in recognition of the fact that HATS provides "a much better measurement of the sound actually heard" by a telephone user (Petition at 6). Second, TIA had worked with HLAA previously and information and feedback from HLAA suggested that "consumers' assumption that all [terminal equipment] manufacturers measured amplification the same way was incorrect" (*id*. at 8). It appeared most people thought they needed much more amplification than they actually did. These factors provided support for a method that measured volume differently.

Other factors mentioned in the proposed standard ANSI/TIA-4965 include the lack of harmonization regarding volume control requirement-standards used by two regulatory agencies in the U.S. and Canada (most terminals are marketed in both countries, ANSI/TIA-4965 at iv), and the fact that a telephone with volume control would make a telephone more usable to a person using a hearing aid without a telecoil, or a person with a slight hearing loss who did not use a hearing aid, and thus aiding compliance with the Hearing Aid Compatibility Act of 1988 (*id*. at 11). The TIA notes, also, that consumers were confused about amplification standards and requirements, as it seems that amplified telephones were not being evaluated in the same way as mass-market phones (*id*. at 12).

The proposed new standard uses, as a base, a Conversational Gain standard wherein 0 dB means that the voice heard from the telephone sounds as loud as a face-to-face conversation in which the participants are one meter (3.28 feet) apart. The new standard uses Conversational Gain to measure HAC volume control, as opposed to the currently-referenced Receive Objective Loudness Rating ("ROLR") requirements. It would apply to digital and analog wireline terminal equipment only, and not to wireless handsets.

TIA's Petition states the proposed changes would, among other things, improve the ability of consumers with hearing loss to compare purportedly equivalent devices being sold (e.g., all telephones with a Conversational Gain of 18 dB), and to see if a mass-marketed telephone meets their volume control requirements, or if a more specialized high-amplification device is required. In addition, better amplification devices will improve access to 911 and emergency services for individuals with hearing loss, especially for those who rely on "readily available [terminal equipment] to reach emergency services" (*id*. at 15).

TIA's Petition asks that if the new standard is adopted, a two-year phase-in period be included before compliance, and that the Commission continue to engage the terminal equipment industry so there is awareness of the rules and standards, and so the FCC can respond to calls for heightened enforcement of Part 68 generally (*id*. at 10, 11). This is because design, engineering and manufacturing needs may change for those manufacturers who "are not already using TIA's new standards" (*id*. at 11).

IV. Consumer Interest in Petitioner's Request

Consumers with hearing loss who have faced the process of finding and using specialized high-amplification phones that provide the needed benefits demanded by their hearing loss have found the process daunting. The advertising can be confusing, the search frustrating, the end results

deflating. In one instance, a consumer called HLAA asking what the advertising for three phones really meant. Some examples of advertising found on the Internet:

- "Amplified Volume - Up To 50 dB"
- "Up to 40 dB amplification"
- "50 dB amplification makes it easy to hear callers"

HLAA was hard-pressed to come up with an answer to the consumer's question. The advertisements mean little or nothing to the average consumer, and in fact, it's unclear exactly what objective information they do provide.

We concur with Petitioners that consumers operate under the assumption that all manufacturers measure amplification the same way. After all, it is a logical assumption. Consumers are confounded and stumped when they find that in fact, there is no way to easily compare these phones. The manufacturers' advertisements do not provide the kind of guidance needed for a proper evaluation of the phone. Is the phone capable of providing sound at 40dB or 50dB above 0dB? 10dB? 18dB? Would it help someone with a mild, moderate or severe hearing loss? There is no way to know. Even if the consumer has some concept of how significant their hearing loss is, and therefore, how much amplification they should look for, there is little guidance beyond information such as, the phone "makes it easy to hear callers," which avoids the important question: does it make the conversation any more understandable?

The sorry fact is that to date, the only way a consumer knows for sure whether one of high amplification phones will work for him or her is to purchase the phone first. Because many of these phones are often or only available via mail-order houses, the process is not only daunting, it can be frustrating: the consumers must call or have someone call, or email or mail an order to have the phone shipped to his or her residence, and try the phone to see if it works adequately. If that phone is not adequate or appropriate for the consumer, that consumer must ship it back and then go through the whole process again with another phone. Having an easily understood standard in place would go a long way to ease the process and lessen this frustration for consumers.

V. Consumer Support for TIA Petition and Further Recommendations

Joint Commenters support measures that would improve the ability of consumers with hearing loss to compare telephone devices (digital and analog wireline terminal equipment) being marketed and sold, whether as mass-marketed devices or as more specialized high-amplification appliances. We unequivocally endorse better access, through more usable amplification devices, to 911 and emergency services, for individuals with hearing loss.

Joint Commenters ask the Commission consider two additional recommendations arising from the Petition:

First: The Conversational Gain standard is expressed using a metric measurement ("0 dB means that the voice heard from the telephone sounds as loud as a face-to-face conversation in which the participants are one *meter* apart"). There is, no doubt, a good reason for this. However, the measurement will not be easily comprehensible to consumers, as most Americans aren't familiar with the metric system. We recommend that any marketing or outreach in America should be based on the more familiar conversion of meters to feet.

Second: Joint Commenters recommend that the two-year phase-in period also be used as an opportunity to continue to engage, on a regular and designated basis, with the community of people with hearing loss and our representative organizations, in monitoring whether the new standard is working as anticipated, and whether it is as easily comprehensible to people with hearing loss as is predicted.

People with hearing loss are the true stakeholders in this matter, and as such, should continue to be engaged. Moreover, the Petition refers to the importance of improving the ability of consumers with hearing loss to compare, accurately and realistically, telephone amplification devices, and the need to ensure access to 911 and emergency services for individuals with hearing loss, especially for those who rely on regular or "readily available [terminal equipment] to reach emergency services." The easiest way this can be determined is with the cooperation and assistance of the community of people with hearing loss and our representative groups.

VI. Conclusion

Joint Commenters therefore support the TIA petition, and request our two additional recommendations be adopted.

We extend our appreciation and thanks to TIA and the Commission for the changes that are aimed at improving, clarifying, and harmonizing the relevant standards, and for the Commission's assistance in resolving the issues and concerns that the hearing loss community has with respect to amplification and volume control respecting terminal equipment.

Thank you for this opportunity to submit these Comments. We look forward to continued work with TIA and the Commission on this matter.

Respectfully submitted,

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